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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,382	12/12/2001	Michael Wayne Brown	AUS920010827US1	2851

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT PAPER NUMBER

2642

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,382

Applicant(s)

BROWN ET AL.

Examiner

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27,40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27,40 and 41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 10/06/2004 has been entered. No claims have been canceled. No claims have been added. Claims 1-27 and 40-41 are still pending in this application, with claims 1, 11, 21, 40 and 41 being independent.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/12/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner. However, some of the references such as US PAT 5,864,872, US PAT 5,590,188, US PAT 5,646,988, and US PAT 5,933,828 found to be irrelevant to the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

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the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7, 9-17, 19-27 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US PAT # 5,946,388) in view of Biorge et al (US PAT # 5,806,045).

Regarding claim 1, Walker teaches a PBX/automatic call distributor (ACD) system that allows callers to exercise control over their rank order within a phone queue. The ACD accesses a call database and develops offers to be made to callers, based upon a caller reaching a particular position in a queue or at a position at which the call is first placed in the queue. An interactive voice response unit (IVRU) is employed to offer a caller a chance to move up in the queue in return for a payment (see abstract).

Walker does not specifically teach the use of an advancement token in order to adjust the position of the caller in a waiting queue.

However, Biorge teaches a system and method for allocating and redeeming incentive credit for a customer that enters into a transaction with one of the providers participating in the incentive system (70), see abstract and Fig. 3. Biorge also teaches that after the incentive credits are detected and the customer identity is recognized (see col. 5, lines 3-16), customer can choose to redeem some or all of his/her incentive credits (see col. 2, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of advancement token that is used to adjust the position of the caller in a waiting queue, as taught by Biorge, into the Walker system in order to first encourage customers to earn more of those incentive credits, which are helpful to advance their positions in call queues within any call center or any other facility. Further, the idea of providing an incentive credit to customers will definitely improve the call center and will further enhance the level of satisfaction of customers.

Claims 11, 21, and 41 are rejected for the same reasons as discussed above with respect to claim 1.

Claims 2, 12, and 22 recite "accessing a caller profile according to said authenticated identifier, wherein said caller profile comprises a previously earned advancement token; and offering said caller an option of redeeming said previously earned advancement token to adjust a position of said caller within

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said hold queue". For accessing "caller profile" feature examiner takes an official notice that this feature is obvious and well known in the art. Also, giving the caller the option to use some or all his/her advancement token is an obvious limitation. As a matter of fact, most callers who are waiting in a queue will be encouraged to use some of the advancement tokens that they earned previously in order to shortened their waiting time in a queue.

Claim 40 is rejected for the same reasons as discussed above with .
respect to claims 2, 12, and 22.

Regarding claims 3, 13 and 23, Biorge teaches storing said advancement token according to said authenticated identifier at a caller profile server (this reads on customer carried device 74, see abstract, col. 2, lines 26-33 and lines 50-65) accessible to a plurality of a call centers, wherein said advancement token is redeemable across a selection of said plurality of call centers for said future call.

Regarding claim 4, 14 and 24, Biorge does not specifically teach storing said advancement token according to said authenticated identifier at a caller profile server accessible to said hold queue, wherein said advancement token is only redeemable at said hold queue for said future call. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify rules and procedures for redeeming the advancement tokens, such as

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redeeming the advancement tokens only at the time of the call, or redeeming the advancement tokens in future calls (as taught by Biorge, see col. 5, lines 29-31), redeeming some tokens and saving some other for later time, or redeeming them at any time.

Claims 5, 15 and 25 are rejected for the same reasons as discussed above with respect to claims 4, 14 and 24. Also for using some advancement token in a current call and storing the rest of these advancement token to be used in future call is a very logical and obvious limitation, since one may not want to use all his/her savings of advancement tokens in one call only.

Regarding claims 6, 16, and 26, Biorge does not exactly teach an expiration date is assigned to said advancement token. However, Biorge teaches that other limits could be applied to the redeeming of incentive credits (see col. 13, lines 11-18).

Claims 7, 17, and 27 recite that "said authenticated identifier for said caller is authenticated according to a voice identity of said caller". Both references taught the limitation of identifying the caller/ or the customer. Walker recognizes the customer/caller by the DNIS (see col. 4, lines 45-53) and Biorge identifies the customer/caller by having him/her entering a pass code or some sort of authentication number (see col. 5, lines 5-8). However, authentication according to a voice identity of the caller is obvious and well known. As a matter of fact,

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many references teach the use of voice recognition, which is an old and well-known feature in the art.

Regarding claims 9 and 19, Walker teaches the redemption of said advancement token advances said caller a particular number of waiting positions (see col. 4, lines 57-65 and col. 5, lines 14-18).

Claims 10 and 20 recite “redemption of said advancement token advances said caller a particular amount of estimated wait time”. Walker teaches the use of IVRU, which is responsible of delivering prompts and messages to customers as well as conducting information from the customer. Obviously, customers must be informed about the estimated wait time. In fact, the feature of announcing the remaining estimated wait time is almost inherent in a call queues within a call center.

5. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Biorge et al and further in view of Stimson et al (US PAT # 6,502,745).

Regarding claims 8, neither Walker nor Biorge alone or in combination teach the advancement token earned by a caller participating in at least one from among a competition, a survey, and redemption of membership points.

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However, Stimson teaches a pre-paid card which enables customers to participate in a survey (see abstract of the invention).

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of customers participating in a survey as taught by Stimson into the combination of Walker in view Biorge in order to encourage customers who are already waiting in a queue to participate in survey so they can advance their position in the queue and shortened their holding time. Also, other advantages of people answering and participating in surveys are old and well known in the art.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on 305-4731. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Rasha S. Al-Aubaidi

01/19/2005


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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